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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/800,080

03/12/2004

Richard G. Campbell III

RC01-01U

8079

7590

11/18/2005

BUHLER & ASSOCIATES
SUITE 100
1101 CALIFORNIA AVENUE
CORONA, CA 92881

EXAMINER

TA, THO DAC

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/800,080	CAMPBELL ET AL.	
	Examiner	Art Unit	
	Tho D. Ta	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/23/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Cross et al. (5,655,924).

In regard to claim 14, Cross et al. discloses a method of retaining an electrical cord 12 in an electrical outlet 13, the method comprising: placing an electrical cord 12 through a slot 26 or 36 in a one piece plug retainer 10; inserting the plug 11 into an electrical outlet 13; pressing the one piece plug retainer 10 into a replacement electrical outlet cover 14 until tabs 32, 33 located on at least one side of the plug retainer 10 spread and lock into the replacement outlet cover 14.

In regard to claim 15, Cross et al. discloses that the removal of the plug retainer 10 from the electrical outlet cover 14 requires the user first press the plug retainer 10 into the electrical outlet cover 14 then depress at least one tab 32, 33 before removing the plug retainer 10.

3. Claims 14, 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Rust (6,428,333).

In regard to claim 14, Rust discloses a method of retaining an electrical cord 64 in an electrical outlet 14, the method comprising: placing an electrical cord 64 through a slot 48 in a one piece plug retainer 22; inserting the plug 60 into an electrical outlet 14; pressing the one piece plug retainer 22 into a replacement electrical outlet cover 12 until tabs 32 located on at least one side of the one piece plug retainer 22 spread and lock into the replacement outlet cover 12.

In regard to claim 16, Rust discloses a spacer (adjacent 48) to fill improve retention of the plug 60 in an electrical outlet 14 (see column 3, lines 55-64).

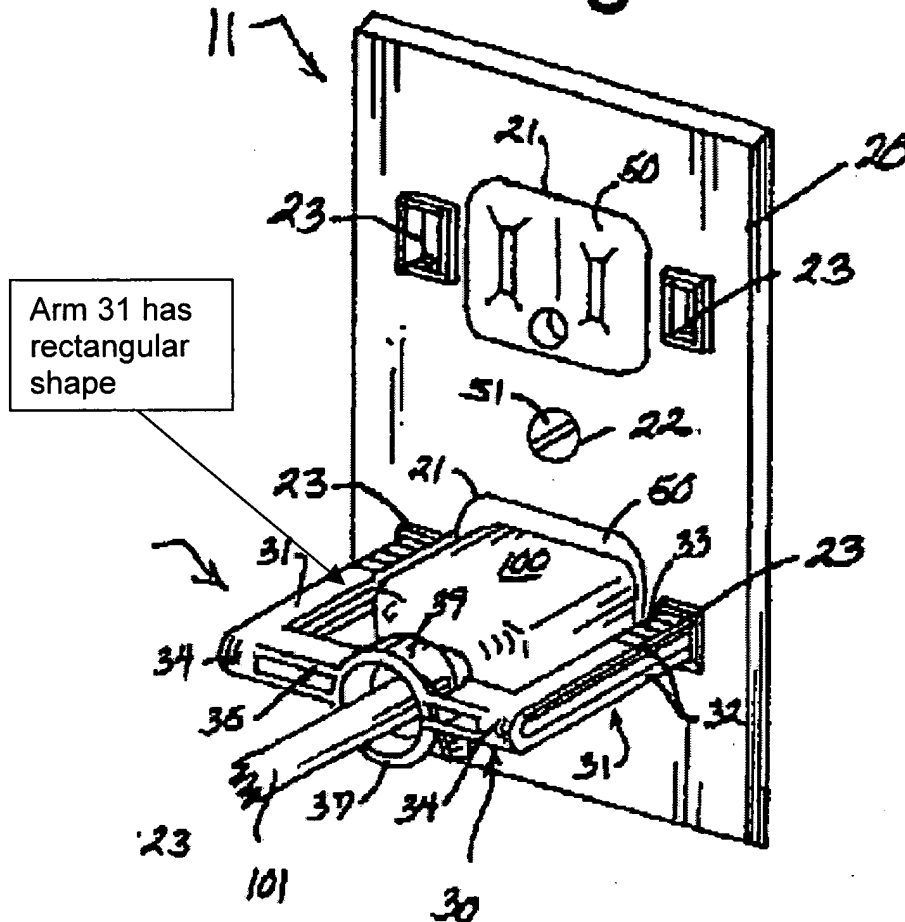
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 14, 15 are rejected under 35 U.S.C. 102(e) as being anticipated by McDevitt, Jr. (6,769,930).

Fig. 2



In regard to claim 14, McDevitt, Jr. discloses a method of retaining an electrical cord 101 in an electrical outlet 50, the method comprising: placing an electrical cord 101 through a slot (between 37 and 39) in a one piece plug retainer 30; inserting the plug 100 into an electrical outlet 50; pressing the plug retainer 30 into a replacement electrical outlet cover 11 until tabs 31 located on at least one side of the plug retainer 30 spread and lock into the replacement outlet cover 11.

In regard to claim 15, McDevitt, Jr. discloses that the removal of the plug retainer 30 from the electrical outlet cover 11 requires the user first press the plug retainer 30 into the electrical outlet cover 11 then depress at least one tab 31 before removing the plug retainer 30.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rust in view of Chou (5,997,318).

In regard to claim 1, Rust discloses an electrical cord securing device comprising: a replacement outlet cover 12 configured with at least one hole located on opposite sides of an outlet; a plug retainer 22 that surrounds at least a portion of an electrical cord 64 where the plug retainer 22 is installed in the replacement outlet cover 12 by pushing the plug retainer 22 into the replacement outlet cover 12 and removed by pressing in on the sides of the plug retainer to disengage the plug retainer from the outlet cover (column 4, lines 18-22).

However, Rust does not disclose that the holes 16 in the replacement outlet cover 12 includes a louver tab to prevent objects from being placed through the inside of the holes 16.

Chou discloses (in attached fig. 1) that the holes 12 in the outlet cover 1 includes a louver tab (see attached drawing) to prevent objects from being placed through the inside of the holes 12.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rust's invention by constructing the hole with a louver as disclosed by Chou in order to prevent foreign debris from entering the hole.

In regard to the recitation "rectangular", it would have been obvious to modify Rust's invention by having the plug retainer with different type of configuration since applicants have presented no explanation that this particular configuration of the plug retainer is significant or is anything more than one of numerous configurations a person of ordinary skill in the art would find obvious for the purpose of providing a housing for a plug. A change in shape is generally recognizing as being within the level of ordinary skill in the art. In re Dailey, 149 USPQ 47 (CCPA 1976).

In regard to claim 2, Rust discloses that the replacement outlet component 12 has holes 16 placed on opposing sides of each outlet 14.

In regard to claim 6, Rust discloses that the plug retainer 22 has tabs 32 located on the sides of the plug retainer 22.

In regard to claim 7, Rust discloses that the tabs 32 are rectangular (see fig. 5).

In regard to claim 8, Rust discloses that the tabs 32 include detents that require the user to press the sides of the plug retainer 22 down and inward to release the plug retainer 22 from the replacement outlet cover 12.

In regard to claim 9, Rust discloses that the plug retainer 22 includes a slot 48 where a power cord 64 can be placed through the slot 48.

In regard to claim 10, Rust discloses that the slot 248 is capable of retaining the power cord 64.

In regard to claim 11, Rust discloses that the tabs 32 are shaped such that the plug retainer 22 cannot be collapsed.

In regard to claim 12, Rust discloses that the tabs 32 further include raised, surface located on the sides of the tabs 32.

In regard to claim 13, Rust discloses that at least one spacer 48 that can be used to further secure the power cord 64 within the plug retainer 22 (see column 3, lines 55-64).

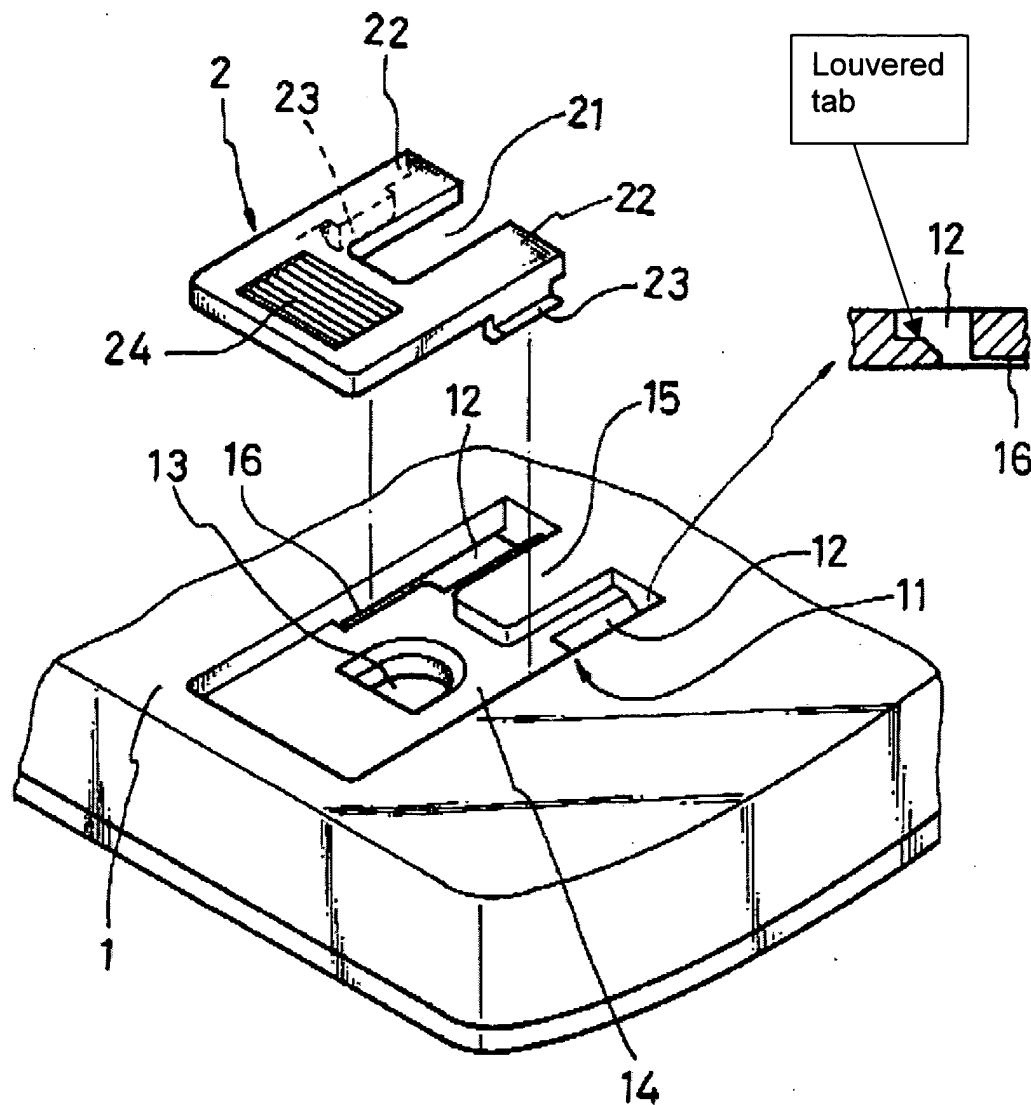


FIG. 1

8. Claims 1, 2, 4, 5-12 are rejected under 35 U.S.C. 102(e) as being anticipated by McDevitt, Jr. (6,769,930) in view of Chou (5,997,318).

In regard to claim 1, McDevitt, Jr. discloses an electrical cord securing device comprising: a replacement outlet cover 11 configured with at least one hole located on opposite sides of an outlet; a substantially rectangular plug retainer 30 that surrounds at least a portion of an electrical cord 101 where the plug retainer 30 is installed in the replacement outlet cover 11 by pushing the plug retainer 30 into the replacement outlet cover 11 and removed by pressing in on the sides of the plug retainer to disengage the plug retainer from the outlet cover.

However, McDevitt, Jr. does not disclose that the holes 23, 33 in the replacement outlet cover 11 includes a louver tab to prevent objects from being placed through the inside of the holes 23, 33.

Chou discloses (in attached fig. 1) that the holes 12 in the outlet cover 1 includes a louver tab (see attached drawing) to prevent objects from being placed through the inside of the holes 12.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McDevitt, Jr. invention by constructing the hole with a louver as disclosed by Chou in order to prevent foreign debris from entering the hole.

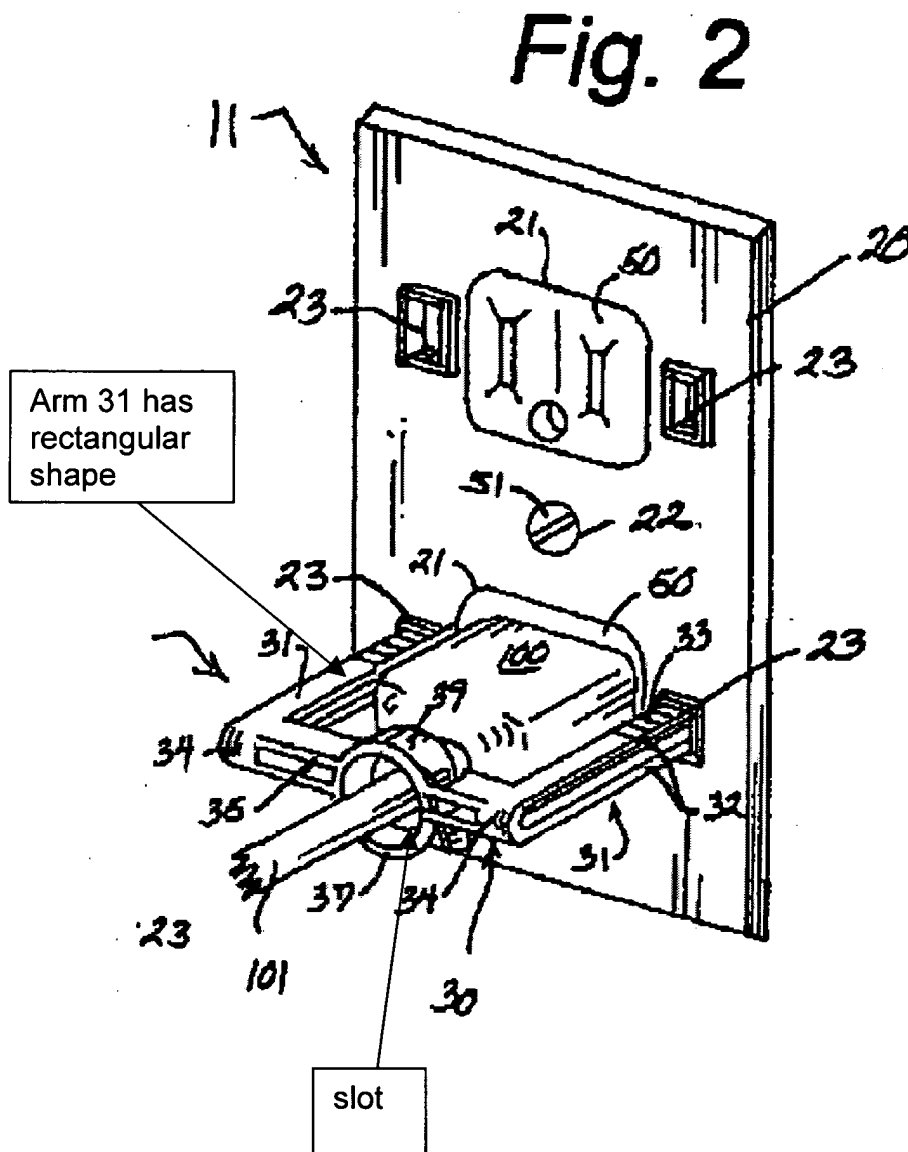
In regard to claim 2, McDevitt, Jr. discloses that the replacement outlet component 11 has holes 23 placed on opposing sides of each outlet 50.

In regard to claim 4, McDevitt, Jr. discloses that the holes 23 are rectangular.

In regard to claim 5, McDevitt, Jr. discloses that a raised area 24 located on the back side of the holes 23 that require the user to press the plug retainer 30 into the outlet 50 before the power cord retaining device 30 can be removed.

In regard to claim 6, McDevitt, Jr. discloses that the plug retainer 30 has tabs 31 located on the sides of the plug retainer 30.

In regard to claim 7, McDevitt, Jr. discloses that the tabs 31 are rectangular (see attached drawing).



In regard to claim 8, McDevitt, Jr. discloses that the tabs 31 include detents 33 that require the user to press the sides of the plug retainer 30 down and inward to release the plug retainer 30 from the replacement outlet cover 11.

In regard to claim 9, McDevitt, Jr. discloses that the plug retainer 30 includes a slot where a power cord can be placed through the slot.

In regard to claim 10, McDevitt, Jr. discloses that the slot is capable of retaining the power cord.

In regard to claim 11, McDevitt, Jr. discloses that the tabs 31 are shaped such that the plug retainer 30 cannot be collapsed.

In regard to claim 12, McDevitt, Jr. discloses that the tabs 31 further include raised, lowered or textured surface 33 located on the sides of the tabs 31.

Response to Arguments

9. Applicant's arguments with respect to claims 1, 2, 4-16 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument regarding the 102(e) rejection using McDevitt, Jr.

It is unclear as to what applicant try to argue, the McDevitt, Jr. reference is perfectly proper as a 102(e) rejection. It is suggested that applicant should recheck the MPEP.

In response to applicant's argument that Chou does not disclose the louvered tab. Please see the attached drawing of Chou above. The louvered tab disclosed in

the above attached drawing would cover the hole once the tab 23 is engaged the hole 12.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, at best understood, the basic concept of the claimed invention is to add a louvered tab to a hole to prevent objects from being passed through the holes. The primary reference discloses generally all that is claimed except for a louvered tab. Chou discloses (in attached fig. 1) that the holes 12 in the outlet cover 1 includes a louver tab (see attached drawing) to prevent objects from being placed through the inside of the holes 12. Thus, the combination of the cited references are proper and analogous.

In response to applicant's argument regarding the limitation "one piece". "one piece" does not necessarily require "monolithic".

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho D. Ta whose telephone number is (571) 272-2014. The examiner can normally be reached on M-F (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2833

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



THO D. TA
PRIMARY EXAMINER

tdt
11/14/05